

\*Original Instrument\*

**\*DUE NOTICE\***

NOTICE TO PRINCIPAL IS NOTICE TO AGENT  
NOTICE TO AGENT IS NOTICE TO PRINCIPAL

Reference:

**"UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE**

UNITED STATES OF AMERICA	)	No. 3:17-CR-82
Plaintiff	)	VARLAN/SHIRLEY and their assigns,
	)	nunc pro tunc, praetera pretera,
v.	)	3:17-cr-00082-TAV-CCS
	)	3:17-cr-00082-TAV-DCP
RANDALL KEITH BEANE, and	)	and related cases thereof;
HEATHER ANN TUCCI-JARRAF	)	inclusive of 3:17-MJ-1067
Defendants	)	and 1:17-mj-531"

STANDING DUE REJECTION WITHOUT DISHONOR FOR DUE  
CAUSE RE DOCUMENT 241 NOTICE OF FILING  
241

With full responsibility, accountability and liability, with full due lawful authority, capacity and standing, without prejudice, nunc pro tunc, ab initio and praeterea preterea, Original, Randall Keith Beane hereby files Original Instrument, STANDING DUE REJECTION WITHOUT DISHONOR FOR DUE CAUSE OF DOCUMENT 241

SEPT 30, 2018  
WITHOUT PREJUDICE

*Randall Keith Beane*

FCI Elkton  
Randall Keith Beane  
ID #52505-074  
PO Box 10  
Lisbon, OH 44432

**Certificate of Service**

I duly certify that I did on SEPT 30, 2018 cause a true copy of this Notice and a true copy of the attached Original Instrument, to be served by Certified Mail on all alleged parties hereto.

WITHOUT PREJUDICE

*Randall Keith Beane*

~~\* ORIGINAL INSTRUMENT \*~~  
~~NOTICE TO PRINCIPAL IS NOTICE TO AGENT~~  
~~NOTICE TO AGENT IS NOTICE TO PRINCIPAL~~

RECEIVED BY: *RC*

DATE: *7/26/17* TIME: *1100*

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE

U.S. MARSHAL E/TN  
KNOXVILLE, TN

2018 OCT 22 P 1:20

*STANDING: DULY REJECTED WITHOUT DISHONOR FOR DUE CAUSE;*

UNITED STATES OF AMERICA JUL 27 P 3:58

*INCLUDING BUT NOT LIMITED TO CASE NO.: 3:17-CR-082 DOCUMENTS 19*  
*V. 98, 101, 102, 145, 146, 147, 148, 149, 150, 151, 160, 207,*  
U.S. DISTRICT COURT EASTERN DISTRICT OF TENNESSEE JUDGES VARLAN /SHIRLEY

RANDALL KEITH BEANE *215, 219, 220, 221, 222, 223, 236,*  
*237, each RESTATED AND INCORPORATED BY REFERENCE AS IF SET*

**WRIT OF HABEAS CORPUS AD PROSEQUENDUM**

*FORTH IN FULL IN CASES 3:17-CR-82, 3:17-MJ-1067, 1:17-MJ-531*

THE PRESIDENT OF THE UNITED STATES OF AMERICA  
AND ALL CASES THEREOF, NUNC PRO TUNC, AB INITIO, AND TRAETERA  
TO THE: SHERIFF PRATERA

OR ANY AUTHORIZED CUSTODIAN  
THEREOF - GREETING:

*SEPT 30, 2018*

*Randall Keith Beane*

We command that you have the body of RANDALL KEITH BEAN detained in the Knox County Detention Facility, under your custody as it is said, under safe and secure conduct before the Judge of our District Court within and for the Eastern District of Tennessee, at the City of Knoxville, Tennessee, on July 27, 2017 at 9:30 a.m., there to be present for an Initial Appearance, or for his case to be otherwise disposed of upon said indictment heretofore returned against him, and each day thereafter until said case is disposed of, and immediately thereafter the said defendant shall be returned to the said Sheriff, Knox County Detention Facility, under safe and secure conduct, and have you then and there this writ.

And as by order of said District Court it is directed, if said Sheriff so directs, the United States Marshal for the Eastern District of Tennessee, or any other duly authorized United States Marshal or Deputy United States Marshal is hereby ordered and directed to receive said RANDALL KEITH BEAN into his custody and possession at said Knox County Detention Facility, and under safe and secure conduct to have him before the Judge of our District Court at

*STANDING REJECTION: DULY REJECTED WITHOUT DISHONOR FOR*  
*DUE CAUSE; RESTATED*

*SEPT 30, 2018*

*Randall Keith Beane*



the time and place aforesaid for the purpose aforesaid, and to return him to said Knox County Detention Facility, under safe and secure conduct and redeliver him to the Sheriff, Knox County Detention Facility.

DEBBIE POPLIN, Clerk

By:

[Signature]  
Deputy Clerk

**CUSTODY ASSUMED:**

EXECUTED this 27 day of July, 2017.

By:

[Signature]  
United States Marshal/Deputy

**RETURNED:**

EXECUTED this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

By:

\_\_\_\_\_  
United States Marshal/Deputy

**SENTENCED STATE PRISONER:** Yes: \_\_\_\_\_ No: \_\_\_\_\_

STANDING REJECTION. Duly REJECTED WITHOUT DISHONOR  
FOR THE CAUSE; RE-STATE

SEPT 30, 2018

[Signature]

**RETURNED: UNEXECUTED; state charges dismissed.**

BY:

[Signature]

Kent Miller, SDUSM

DATE:

7/27/18

\*Original Instrument\*

**\*DUE NOTICE\***

NOTICE TO PRINCIPAL IS NOTICE TO AGENT  
NOTICE TO AGENT IS NOTICE TO PRINCIPAL

Reference:

**"UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TENNESSEE  
AT KNOXVILLE"**

UNITED STATES OF AMERICA  
Plaintiff

v.

RANDALL KEITH BEANE, and  
HEATHER ANN TUCCI-JARRAF  
Defendants

) No. 3:17-CR-82  
) VARLAN/SHIRLEY and their assigns,  
) nunc pro tunc, praetera pretera,  
) 3:17-cr-00082-TAV-CCS  
) 3:17-cr-00082-TAV-DCP  
) and related cases thereof;  
) inclusive of 3:17-MJ-1067  
) and 1:17-mj-531"

LIMITED DUE ACCEPTANCE OF DOCUMENT 240 FOR THE  
SOLE PURPOSE AS EVIDENCE OF IDENTIFICATION OF ACTORS  
WITHIN OR ABUSING THE GOVERNMENTS OF  
THE PEOPLE.

With full responsibility, accountability and liability, with full due lawful authority, capacity and standing, without prejudice, nunc pro tunc, ab initio and praeterea preterea, Original, Randall Keith Beane hereby files LIMITED DUE ACCEPTANCE OF DOCUMENT 240 FOR THE SOLE PURPOSE AS EVIDENCE OF IDENTIFICATION OF ACTORS WITHIN OR ABUSING THE GOVERNMENTS OF THE PEOPLE

SEPT 30, 2018  
WITHOUT PREJUDICE  
Randall Keith Beane

FCI Elkton  
Randall Keith Beane  
ID #52505-074  
PO Box 10  
Lisbon, OH 44432

**Certificate of Service**

I duly certify that I did on SEPTEMBER 30, 2018 cause a true copy of this Notice and a true copy of the attached transcript of a purported sentencing hearing of Randall Keith Beane on 24<sup>th</sup> July 2018, to be served by Certified Mail on all alleged parties hereto.

SEPT 30, 2018  
WITHOUT PREJUDICE  
Randall Keith Beane

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE EASTERN DISTRICT OF TENNESSEE  
3                   AT KNOXVILLE, TENNESSEE

4                   \_\_\_\_\_  
5                   ) UNITED STATES OF AMERICA,                   )  
6                   )                   Government,                   )  
7                   )                   vs.                   ) Case No. 3:17-cr-82-1  
8                   )                   RANDALL KEITH BEANE,                   )  
9                   )                   Defendant.                   )  
10                   \_\_\_\_\_

11                   SENTENCING PROCEEDINGS  
12                   BEFORE THE HONORABLE THOMAS A. VARLAN

13                   Tuesday, July 24th, 2018  
14                   10:09 a.m. to 10:51 a.m.

15                   APPEARANCES:

16                   ON BEHALF OF THE GOVERNMENT:

17                   CYNTHIA F. DAVIDSON, ESQ.  
18                   ANN-MARIE SVOLTO, ESQ.  
19                   U.S. DEPARTMENT OF JUSTICE  
20                   OFFICE OF U.S. ATTORNEY  
21                   800 Market Street  
22                   Suite 211  
23                   Knoxville, TN 37902

24                   ON BEHALF OF THE DEFENDANT HEATHER ANN  
25                   TUCCI-JARRAF: (Appearing Pro Se)

26                   STEPHEN G. MC GRATH, ESQ. (Elbow Counsel)  
27                   ATTORNEY AT LAW  
28                   9111 Cross Park Drive  
29                   Building D, Suite 200  
30                   Knoxville, TN 37923

31                   REPORTED BY:

32                   Teresa S. Grandchamp, RMR, CRR  
33                   P.O. Box 1362  
34                   Knoxville, Tennessee 37901  
35                   (865) 244-0454

1 THE COURTROOM DEPUTY: All rise. The  
2 United States District Court for the Eastern  
3 District of Tennessee is again in session. The  
4 Honorable Thomas A. Varlan, Chief United States  
5 District Judge, presiding.

6 Please come to order and be seated.

7 THE COURT: Thank you. Good morning,  
8 everyone. Let's call up the next case, please.

9 THE COURTROOM DEPUTY: Criminal Action  
10 3:17-cr-82, United States of America versus Randall  
11 Keith Beane.

12 Cynthia Davidson and Anne-Marie Svolto  
13 are here on behalf of the government.

14 Is the government present and ready to  
15 proceed?

16 MS. DAVIDSON: Yes, Your Honor.

17 THE COURTROOM DEPUTY: Mr. Randall Keith  
18 Beane representing himself, Stephen McGrath, elbow  
19 counsel.

10:09AM 20 Present and ready.

21 THE COURT: Are we ready to go?

22 THE DEFENDANT: Yes.

23 THE COURT: All right. We are here for  
24 imposition of judgment and sentence in this case.  
25 What we'll do is: Although you're representing

1 yourself, Mr. Beane, you're also here as the  
2 defendant in this case. So I'm going to ask you to  
3 come up to the podium. If you'd like to be joined  
4 by Mr. McGrath, fine, or you can just come yourself,  
5 and we'll begin.

6 MS. DAVIDSON: Your Honor, we believe that  
7 there is an issue of forfeiture that perhaps needs  
8 to be taken up before sentencing.

9 THE COURT: Okay. What is that?

10:10AM 10 MS. SVOLTO: Your Honor, if I may handle  
11 that. There is a Motion For Preliminary Order of  
12 Forfeiture.

13 THE COURT: The Court has -- notice of that  
14 was filed this morning, I believe, or --

15 MS. SVOLTO: Yes, it was, Your Honor.

16 THE COURT: We'll address that first. Go  
17 ahead.

18 THE DEFENDANT: I have a matter I'd like to  
19 take care of first, if that's okay.

10:10AM 20 THE COURT: We'll, let's start with this,  
21 and then we'll take up your matter.

22 All right. Go ahead.

23 MS. SVOLTO: Your Honor, we're seeking  
24 forfeiture of the 2017 Integra motor home that the  
25 defendant purchased with the funds that he had

1 transferred from the certificates of deposit and  
2 into his USAA account, and we're asking that the  
3 Court enter a Preliminary Order of Forfeiture based  
4 on testimony produced at trial and the exhibits that  
5 the government introduced and were admitted at trial  
6 that showed that, in fact, the Entegra motor home is  
7 directly traceable to the funds the defendant  
8 obtained through the bank fraud allegations and for  
9 the wire fraud.

10:10AM 10 THE COURT: All right.

11 MS. SVOLTO: And we would also note that  
12 the testimony at trial showed that, in fact, the  
13 defendant admitted that he used a bank account  
14 number that was his Social Security number in order  
15 to obtain certificates of deposit using a routing  
16 number to the Federal Reserve Bank alleging that  
17 this belonged to some trust.

18 Of course, the jury found that the  
19 defendant was guilty, and based on the jury finding  
10:11AM 20 and the evidence produced at trial, we believe that  
21 the requisite nexus is there that the motor home  
22 was, in fact, purchased with fraudulently-obtained  
23 proceeds.

24 And we would also note that the motor  
25 home formed the basis of the money laundering



1 conspiracy allegation for which the defendant was  
2 also found guilty by the jury and that the motor  
3 home was purchased with SUA proceeds, proceeds of a  
4 specified unlawful activity, and that because of  
5 that, it should be forfeited to the United States.

6 I would also just note for the Court  
7 and for the defendant -- I've spoken with elbow  
8 counsel -- that the United States intends to seek  
9 permission from the Attorney General to restore  
10:12AM 10 funds that may be obtained from the defendant  
11 through the sale of the motor home toward the  
12 restitution that may be ordered in this case. So  
13 the intention of the government is to restore the  
14 funds to the victim bank in the case.

15 And the government also saw that in the  
16 Indictment a money judgment in the amount of  
17 \$553,000 and -- actually, \$553,749.99, which  
18 constitutes the proceeds the defendant personally  
19 obtained; not necessarily what the victim bank lost  
10:12AM 20 but what the defendant himself obtained.

21 The testimony produced at trial showed  
22 that the defendant made a number of purchases,  
23 including the motor home. I'd also included a Ford  
24 truck that was returned later. That is not included  
25 in that money judgment calculation.

1 But the defendant also admitted, and  
2 it's outlined in the motion the government filed  
3 this morning, to making other purchases, including  
4 paying off his insurance policy and paying four  
5 different consumer loans. All of those loans were  
6 backed by the victim bank.

7 So the victim bank received those funds  
8 directly. It's not part of the victim bank's  
9 restitution award. So we are asking that the  
10 defendant be held responsible for a forfeiture money  
11 judgment in the amount of \$553,749.99.

12 We would ask the Court to reflect on  
13 the trial transcripts. I've outlined some of the  
14 pertinent quotes and citations there. And the fact  
15 that the defendant did admit to making those  
16 purchases.

17 There was witnesses from Buddy Gregg  
18 Motor Homes who testified that the defendant chose  
19 the motor home and wired the funds.

20 And so -- and based on the exhibits  
21 outlining the defendant's banking activity, we think  
22 it shows directly a wire transfer of just over  
23 \$493,000, which was for the purchase of that motor  
24 home.

25 So we'd ask the Court to rely on that

1 in determining that there is a requisite nexus to  
2 forfeit the motor home itself and also that the  
3 evidence at trial showed that the defendant  
4 personally obtained just over \$553,000.

5 THE COURT: All right. Now, Mr. Beane, the  
6 government has brought the motion for entry of a  
7 Preliminary Order of Forfeiture, as you heard  
8 outlined today by the United States attorney, as  
9 well as set forth in the motion.

10:14AM 10 Would you like to offer any response to  
11 the government's motion? And if you do -- yeah, you  
12 can -- you can proceed from the table for purposes  
13 of this proceeding.

14 THE DEFENDANT: I have a standing  
15 declaration. No. 1, With full responsibility,  
16 accountability and liability to declare true,  
17 accurate and complete, I duly declare the following  
18 and that I am conscious and competent to make such  
19 declaration, now duly made, issued and entered into  
10:15AM 20 this alleged action or actions here and now for all  
21 to rely upon.

22 And, No. 2, That the alleged court,  
23 Thomas A. Varlan, Cynthia Davidson, and Marie  
24 Svolto, Department of Justice, etcetera, do not have  
25 the authority or jurisdiction over me to conduct any

1 proceedings against me as duly declared by standing  
2 declarations, precipes, orders, and notices as set  
3 forth in documents 19, 98, 101, 102, 145, 146, 147,  
4 148, 149, 150, 151, 160, and 215, and all other  
5 documents filed in the above-referenced case  
6 regarding said lack of jurisdiction and authority of  
7 others over me.

8 And, No. 3, That any proceedings and  
9 statements made, including by elbow counsel,  
10:16AM 10 Stephen G. McGrath, do not waive my declarations,  
11 precipes, orders and notices, nunc pro tunc,  
12 praeterea preterea.

13 And, No. 4, No. 1 above restated and  
14 all said documents and restated and incorporated by  
15 reference here now as if set forth in full.

16 And, No. 5, Due and fair notice is  
17 hereby duly given that everyone present, including  
18 but not limited to Thomas A. Varlan, Cynthia  
19 Davidson, Anne-Marie Svolto, and myself are each  
10:16AM 20 being held to act with full responsibility,  
21 accountability, and liability.

22 And, No. 6, That this alleged action is  
23 and was legally and lawfully ordered dismissed with  
24 prejudice on 22nd of January 2018, and that there is  
25 no authority, jurisdiction or consent to persist



1 with any proceedings of any nature or any kind  
2 against me.

3 No. 7, Duly made and issued, with full  
4 due lawful authority, capacity and standing on this  
5 24th day of July 2018.

6 You do not have authority or  
7 jurisdiction to ask me any questions or conduct any  
8 proceedings here.

9 Your offer to contract is duly rejected  
10:17AM 10 without dishonor for due cause, nunc pro tunc,  
11 praetera pretera and ab initio.

12 THE COURT: Thank you, Mr. Beane.

13 Is there anything further you would  
14 like to say in response to the government's request  
15 for or Motion For Entry of Preliminary Order of  
16 Forfeiture?

17 THE DEFENDANT: No.

18 THE COURT: All right. Then the Court will  
19 address that preliminarily at this point in time.

10:17AM 20 Before the Court is the government's  
21 Motion For Entry of Preliminary Order of Forfeiture,  
22 Document 223.

23 In that motion the government seeks  
24 forfeiture of the interest of the defendant in  
25 property derived from or traceable to property

1 derived from proceeds of the wire fraud and bank  
2 fraud violations and property involved in the  
3 commission of a money laundering offense, as set  
4 forth in the Indictment and pursuant to 18 United  
5 States Code §§ 982(a)(1) and 982(a)(2).

6 Specifically, as set forth in the  
7 motion, the United States seeks to forfeit the  
8 defendant's interest in the motor home that was the  
9 subject or testimony at trial, specifically  
10:18AM 10 identified as a 2017 Entegra Cornerstone 45B 45-foot  
11 diesel motor home, VIN number listed in the motion.

12 The United States or the government  
13 also seeks a personal money judgment in favor of the  
14 government and against the defendant for  
15 \$553,749.99, which the government contends is the  
16 amount representing the proceeds the defendant  
17 personally obtained as a result of the defendant's  
18 criminal violations.

19 First, to the extent -- based on the  
10:19AM 20 defendant's statement, to the extent the defendant  
21 is applying his arguments regarding the lack of  
22 jurisdiction of the Court or the lack of the  
23 authority of the Court to enter orders or address  
24 matters pertaining to the defendant, to the extent  
25 the defendant is raising those arguments as a

1 response or in opposition to the government's Motion  
2 For Entry of Preliminary Order of Forfeiture, the  
3 Court would note its previous rulings in that regard  
4 and previous findings that the Court does, in fact,  
5 have jurisdiction over the defendant, specifically,  
6 over the federal criminal conviction at issue here  
7 today, and correspondingly has the jurisdiction and  
8 authority to address the government's Motion For  
9 Entry of Preliminary Order of Forfeiture. And to  
10:20AM 10 the extent that is a defense to the pending motion,  
11 the Court would reject that as a defense.

12 Furthermore, based on consideration of  
13 the motion itself, taking into consideration the  
14 facts and arguments set forth in the motion, also  
15 particularly taking into consideration the trial  
16 testimony, which the Court considered or listened to  
17 and considered at the trial, and the offense conduct  
18 of this defendant as set forth in the Presentence  
19 Report and as adduced at the trial, the Court would  
10:20AM 20 find it appropriate to grant the government's Motion  
21 For Entry of Preliminary Order of Forfeiture.

22 The Court has, in fact, previously  
23 entered a Preliminary Order of Forfeiture in this  
24 case as Document No. 224 which does address the  
25 money order and the money judgment -- excuse me --

1 the motor home and the money judgment, but the Court  
2 would at this time find the order of forfeiture to  
3 be appropriate and grant the government's motion.

4 All right. Any other preliminary  
5 matters we need to take up before proceeding forward  
6 with the sentencing?

7 MS. DAVIDSON: No, Your Honor. Thank you.

8 THE COURT: All right. So, Mr. Beane, what  
9 I'm going to do at this point: For sentencing  
10:21AM 10 purposes, I need to ask you some preliminary  
11 questions. So we will ask you up to the podium,  
12 and -- and we'll swear you in for those purposes.

13 Then, after those preliminary  
14 questions, just so you'll know how we're going to  
15 proceed, we'll then address the Presentence Report,  
16 and the Court will determine whether there are any  
17 objections to the Presentence Report and the Court  
18 will determine whether to accept the Presentence  
19 Report.

10:22AM 20 The Court then would typically allow  
21 counsel for the parties or in this case you yourself  
22 representing yourself to address the sentencing  
23 factors that the Court must consider or the Court is  
24 to consider in determining an appropriate sentence  
25 in this case.



1                   So typically the counsel for the  
2 government would go first and you would have a  
3 chance to address, in effect, what you believe the  
4 sentence in this case should be based upon the  
5 considerations before the Court.

6                   And then after we do that, then if you  
7 desire, the Court, separate from making any  
8 arguments you would like to make regarding an  
9 appropriate sentence, the Court would then allow you  
10:22AM 10 to allocute or to say anything else you would like  
11 to say as a defendant on your own behalf before  
12 sentence is imposed. So that's how the Court plans  
13 to proceed.

14                  So if you wouldn't mind coming on up to  
15 the podium and we'll have the courtroom deputy  
16 administer the oath to you.

17                  THE COURTROOM DEPUTY: Raise your right  
18 hand.

19                  Do you solemnly swear to tell the  
10:23AM 20 truth, the whole truth and nothing but the truth?

21                  THE DEFENDANT: I am here as myself,  
22 presenting myself as myself, and I do speak true,  
23 accurate and complete at all times.

24                  THE COURTROOM DEPUTY: Thank you, sir.

25                  THE COURT: Thank you, Mr. Beane. I just

1 want to reconfirm or state to you that on  
2 February 1, 2018, a jury found you guilty of Counts  
3 1 through 5 of the Indictment in this case charging  
4 you with wire fraud in violation of 18 United States  
5 Code § 1343, Count 6 charging you with bank fraud in  
6 violation of 18 United States Code § 1344, and Count  
7 7 charging you with conspiracy to commit money  
8 laundering in violation of 18 United States Code §  
9 1956(h).

10:23AM 10 Do you understand, sir, that the  
11 offenses described in Counts 1 through 5 -- those  
12 are the wire fraud counts -- do you understand that  
13 those offenses require a sentence of up to 20 years'  
14 imprisonment, up to three years of supervised  
15 release, a fine of \$250,000, restitution, and a \$100  
16 special assessment? Do you understand that?

17 THE DEFENDANT: You do not have authority  
18 or jurisdiction to ask me that question or to  
19 conduct any proceeding here.

10:24AM 20 THE COURT: All right. Let me return -- in  
21 light of that statement, let me just turn to counsel  
22 for the government.

23 Can you confirm in open court and for  
24 the defendant that those -- that that is the  
25 statutory range of imprisonment for the offenses

1 described in Counts 1 through 5?

2 MS. DAVIDSON: Yes, Your Honor. The range  
3 of imprisonment as to -- or just as you stated, up  
4 to 20 years' imprisonment for each count. Just as  
5 you stated it.

6 Do you want me to go through each  
7 count?

8 THE COURT: I'll start with Counts 1  
9 through 5.

10:25AM 10 MS. DAVIDSON: Okay. 1 through 5?

11 THE COURT: I just want the government to  
12 confirm that statutorily that Counts 1 through 5  
13 require a sentence of up to 20 years' imprisonment,  
14 up to three years of supervised release, a fine of  
15 \$250,000, restitution, and a \$100 assessment.

16 MS. DAVIDSON: Yes, Your Honor, that's --

17 THE COURT: All right.

18 MS. DAVIDSON: -- my understanding of the  
19 statutory construction.

10:25AM 20 THE COURT: All right. Thank you.

21 Next, Mr. Beane, do you understand that  
22 the offense described in Count 6 -- that's the bank  
23 fraud count -- requires a sentence of up to  
24 30 years' imprisonment, up to five years' supervised  
25 release, a fine of up to one million dollars,

1 restitution, and a \$100 special assessment?

2 THE DEFENDANT: Again, you do not have  
3 authority or jurisdiction to ask me that question,  
4 nor to conduct any proceeding here.

5 THE COURT: All right. Again,  
6 Ms. Davidson, if the government could confirm its  
7 understanding of the -- if the Court has correctly  
8 stated the statutory range of imprisonment as to  
9 Count 6.

10:25AM 10 MS. DAVIDSON: Yes, Your Honor, that is my  
11 understanding of the statutory range.

12 THE COURT: All right. And then finally,  
13 Mr. Beane, do you understand the offense described  
14 in Count 7, which is the conspiracy to commit money  
15 laundering count, requires a sentence of up to  
16 30 years' imprisonment, up to five years' supervised  
17 release, a fine of up to one million dollars,  
18 restitution, and a \$100 special assessment?

19 THE DEFENDANT: Once again, for the record,  
10:26AM 20 you do not have authority or jurisdiction to ask me  
21 that question, nor to conduct any proceeding here.

22 THE COURT: Again, if the government would  
23 confirm the Court's understanding of the statutory  
24 range of imprisonment as to Count 7.

25 MS. DAVIDSON: Yes, Your Honor, that is my



1 understanding.

2 THE COURT: All right. Mr. Beane, next I  
3 want to look at the Presentence Report. Have you,  
4 in fact, received the Presentence Report issued by  
5 the United States Probation Office in this case?

6 THE DEFENDANT: Yes.

7 THE COURT: And have you had a chance to  
8 review that?

9 THE DEFENDANT: Yes.

10:26AM 10 THE COURT: All right. And do you have any  
11 specific objections to the Presentence Report?

12 THE DEFENDANT: No.

13 THE COURT: All right. Ms. Davidson, have  
14 you received the Presentence Report in this case?

15 MS. DAVIDSON: Yes, Your Honor.

16 THE COURT: Does the government have any  
17 objections?

18 MS. DAVIDSON: No objections, Your Honor.

19 THE COURT: All right. The Court would  
10:27AM 20 state while the defendant -- so the record is clear,  
21 while the defendant has no specific objections to  
22 the Presentence Report, the defendant has made  
23 various filings, subsequent to the filing of the  
24 Presentence Report, again, which the Court would  
25 concur would not be construed as specific objections

1 to the Presentence Report, but, instead, as  
2 continued objections to this Court's jurisdiction  
3 and/or authority.

4 To the extent those objections apply to  
5 the Presentence Report itself as general objections,  
6 the Court again would reiterate its previous finding  
7 that the Court does, in fact, have jurisdiction over  
8 the federal criminal conviction at issue here today.  
9 And the Court, in light of the lack of any specific  
10:27AM 10 objections to the Presentence Report by either  
11 parties, would accept the Presentence Report in this  
12 case.

13 All right. Next we talk about  
14 imposition of sentence, and we'll start with the  
15 government.

16 Mr. Beane, you can have a seat for just  
17 a couple moments. Thank you, sir.

18 Is there anything the government would  
19 like to -- the Court does note the government's  
10:28AM 20 filing of a sentencing memorandum, but anything from  
21 the government regarding imposition of sentence in  
22 this case?

23 MS. DAVIDSON: Based on our sentencing  
24 memorandum, the United States believes that a  
25 guideline sentence is appropriate in this case. It

1 meets all of the factors of 3553, including general  
2 and specific deterrence and respect for the law.

3 We would ask that the defendant's  
4 federal sentence be consecutive to his anticipated  
5 state court sentence in Jasper County, South  
6 Carolina. That was a charge for resisting arrest,  
7 and there is evidence in this case that the  
8 defendant also resisted arrest, and so we ask that  
9 the defendant suffer the consequences of both of  
10 those convictions and that they be consecutive.

11 Thank you, Your Honor.

12 THE COURT: Thank you.

13 All right. Mr. Beane, now you can come  
14 back up to the podium, please.

15 Is there anything that you would like  
16 to say -- I'm going to give you the chance to  
17 allocute, if you would like, in a moment. But at  
18 this point you're representing yourself. If there  
19 is anything you'd like to say either in response to  
20 the government's argument regarding imposition of  
21 sentence or anything else you'd like to say on your  
22 own behalf regarding imposition of sentence in this  
23 case.

24 THE DEFENDANT: As far as the allegations  
25 of resisting arrest in South Carolina, there is no

1 proof of anything I was arrested for. It was simply  
2 a charge of resisting arrest. There is no charge of  
3 anything else.

4 As far as this case is concerned, I'd  
5 argue the fact that I resisted arrest just for the  
6 record.

7 THE COURT: Okay. Anything else you'd like  
8 to say about this case or about what the sentence  
9 should be in this case or what factors the Court  
10 should look at regarding the appropriate sentence?

11 THE DEFENDANT: Other than the fact that  
12 this Court has no authority or jurisdiction over me  
13 for any proceedings here.

14 THE COURT: All right. Thank you.

15 Then, finally, before you sit down,  
16 now, as a defendant in a criminal case, even if you  
17 were represented by counsel, the Court would give  
18 you the chance to allocute or say anything you'd  
19 like to say on your own behalf before sentence is  
20 imposed. So that's what I'm asking you now. Is  
21 there anything further or anything you'd like to say  
22 on your own behalf to the Court before the Court  
23 imposes sentence?

24 THE DEFENDANT: Other than restating the  
25 standing declaration, I have nothing else.



1 THE COURT: All right. Thank you.

2 Mr. McGrath, anything as elbow counsel?  
3 Would you like to consult with Mr. Beane any further  
4 or offer anything further?

5 MR. MC GRATH: No, we've spoken in the last  
6 couple days and I visited him out at the jail. So  
7 we've covered all those matters. So nothing to add,  
8 Your Honor.

9 THE COURT: All right. Thank you. Give me  
10:30AM 10 just a moment.

11 All right. The Court in this case has  
12 carefully reviewed the Presentence Report,  
13 considered the arguments presented by the parties,  
14 as well as the Court's considered the trial  
15 testimony in this case, and in a manner intended to  
16 comply with the Sixth Circuit's jurisprudence since  
17 the Booker case rendered the Sentencing Guidelines  
18 advisory and Gall v. United States' requirement that  
19 the Court make an individual assessment based on the  
10:31AM 20 facts presented and adequately explain the chosen  
21 sentence, the Court will explain its reasons for the  
22 sentence to be imposed in this case in discussing,  
23 among other things, the advisory guideline  
24 calculation and the factors discussed in 18 United  
25 States Code § 3553 relevant to this case. Based on

1 those factors and considerations of the guidelines  
2 range, the Court will then impose a sentence  
3 sufficient, but not greater than necessary, to  
4 comply with the purposes discussed in 18 U.S.C. §  
5 3553.

6 First, with respect to the guideline  
7 calculation, that calculation is set forth in the  
8 Presentence Report to which there has not been  
9 objection, and as noted in paragraph 70, based on a  
10:32AM 10 total offense level of 33 and criminal history  
11 category of II, the guideline imprisonment range is  
12 151 months to 188 months.

13 With respect next to the 18 United  
14 States Code § 3553 factors, first, the nature and  
15 circumstances of the offense. Again, the defendant  
16 was found guilty, as the Court has just discussed --  
17 has been found guilty by a jury of five counts of  
18 wire fraud, one count of bank fraud, and one count  
19 of conspiracy to commit money laundering.

10:33AM 20 His specific offense conduct is set  
21 forth, as well as that of his co-defendant, is set  
22 forth in some detail beginning at paragraph 6 of the  
23 Presentence Report, all of which the Court has  
24 reviewed.

25 I'm not going to reiterate all of that

1 offense conduct today, but the Court has reviewed it  
2 in total and would incorporate the offense conduct  
3 as set forth in the Presentence Report as part of  
4 its analysis of the defendant's instant offense  
5 conduct, coupled, again, with the trial testimony  
6 offered in this case.

7 By way of brief summary, among other  
8 things, on July 5 and July 7, 2017, this defendant  
9 purchased or attempted to purchase approximately 40  
10:34AM 10 certificates of deposit totaling over \$38 million  
11 from USAA Bank using his Social Security number as  
12 the account number and routing number to the Federal  
13 Reserve Bank in New York as the funding account.

14 In fact, during the trial, as noted in  
15 paragraph 15, the defendant did testify that he did,  
16 in fact, purchase the CDs using his Social Security  
17 number.

18 In that manner, he advised that he  
19 located a video online of an individual representing  
10:34AM 20 himself as Harvey Dent who informs individuals how  
21 to use a trust account and Federal Reserve routing  
22 numbers to pay off debt, and Beane conveyed that he  
23 decided to try this method of paying off his debt.

24 In fact, it's noted in paragraph 15  
25 that the defendant testified that he kept purchasing

1 CDs from USAA Bank because he, quote, "wanted to  
2 know where the end was," close quote.

3 At some point on July 5, 2017,  
4 co-defendant -- his co-defendant, Ms. Tucci-Jarraf,  
5 was corresponding with this defendant via Skype and  
6 had knowledge of this defendant's attempts to  
7 purchase CDs using the aforementioned method.

8 On July 6, 2017, this defendant  
9 executed a wire transfer of \$493,000 -- \$493,110.68  
10:35AM 10 to Buddy Gregg Motor Homes, LLC for a 45-foot motor  
11 home.

12 Trial testimony showed once USAA Bank  
13 and Whitney Bank, the bank utilized by Buddy Gregg  
14 Motor Homes, LLC, detected potential fraud regarding  
15 this defendant's transaction, his accounts were  
16 frozen and fraud investigators began an  
17 investigation.

18 On July 8, 10 and 11, 2017, this  
19 defendant's co-defendant working on his behalf was  
10:36AM 20 involved in telephone conversations with this  
21 defendant, representatives of Buddy Gregg Motor  
22 Homes and Whitney Bank, and made assurances that the  
23 transactions were legal and legitimate.

24 She further informed this defendant to  
25 place the motor home in the name of a trust account

1 he had created using his Social Security number and  
2 Federal Reserve routing number.

3 Paragraph 20 of the Presentence Report  
4 also notes this defendant's activities related to  
5 purchase of a Ford Super Duty pickup truck for a  
6 list price of \$80,510.86, or total price of \$86,000,  
7 and the defendant purchased the vehicle with a  
8 written check, and after the fraudulent activity of  
9 the defendant was discovered by USAA Bank, the  
10:37AM 10 defendant returned that truck to Ted Russell Ford on  
11 July 10, 2017.

12 And then paragraphs 21 through 23 of  
13 the Presentence Report set forth in more detail this  
14 defendant's activities regarding the subject motor  
15 home.

16 Paragraph 25 notes the total intended  
17 loss attributed to defendant Beane is no less than  
18 \$38,994,967, and paragraph 27 under the victim  
19 impact provision of the Presentence Report notes  
10:37AM 20 that the amount of restitution for which defendant  
21 is responsible is \$510,589.02.

22 Turning next to the history and  
23 characteristics of this defendant, the defendant is,  
24 I believe, currently 50 years of age. He was born  
25 in North Carolina, primarily reared by his mother.

1 He has one brother and one sister. He's never been  
2 married, has no children.

3 Again, he's been a lifelong resident of  
4 North Carolina with the exception of the past  
5 several years where he resided in the Eastern  
6 District of Tennessee.

7 According to the defendant, he  
8 graduated from high school in 1985, and was in the  
9 United States Air Force from 1998 (sic) to 1993.

10:38AM 10 Vocationally the defendant states he's  
11 been employed in the car detailing business as a  
12 warehouse manager and with a graphics company.

13 He reports being in relatively good  
14 health with no known physical limitations, no  
15 history of mental or emotional health treatment, no  
16 substance abuse history, other than rare use of  
17 alcohol and experimentation with marijuana in --  
18 several decades ago in his 20s.

19 The defendant does have a limited  
10:39AM 20 criminal history. He's been convicted of offenses  
21 of trespassing, possession of marijuana, no driver's  
22 license, wilful destruction by tenant, driving while  
23 impaired, and driving without a license, all  
24 resulting in a criminal history category of II in  
25 this case.



1 With this background in mind, the Court  
2 then considers the need for the sentence imposed to  
3 reflect various factors, including, but not limited  
4 to, the seriousness of the offense.

5 Again, the Court heard testimony in  
6 this case, including by the defendant, as well as  
7 others, over a multi-day period.

8 The facts deduced at trial, the  
9 evidence deduced at trial, the facts as set forth in  
10:39AM 10 the Presentence Report related to this defendant's  
11 offense conduct. Again, as highlighted by  
12 particularly the loss attributed to this defendant  
13 and the amount of restitution owing all constitutes  
14 a serious offense conduct on this defendant's part,  
15 in terms of his violations of multiple federal  
16 offenses, again, bank fraud, wire fraud, and  
17 conspiracy to commit money laundering.

18 The Court considers the need to promote  
19 respect for the law and provide just punishment.

10:40AM 20 Again, taking into consideration the level, scope  
21 and seriousness of the defendant's offense conduct  
22 and also taking into consideration his demonstrated  
23 lack of respect for the law, and, again, the need to  
24 provide just punishment, given the seriousness of  
25 his offense conduct, and also taking into

1 consideration his somewhat limited criminal -- past  
2 criminal history.

3 The Court does consider the need for  
4 adequate deterrence. The Court finds a need for  
5 specific deterrence in this case based on the  
6 defendant's offense conduct.

7 The Court also considers general  
8 deterrence; that is, fashioning a sentence that  
9 hopefully would act as a general deterrent to others  
10:41AM 10 similarly situated to this defendant who may  
11 contemplate the undertaking of similar crimes in the  
12 future. And the Court also considers the need to  
13 protect the public from further crimes of the  
14 defendant.

15 Again, while his previous criminal  
16 history is somewhat limited, his current offense  
17 conduct is serious, and, again, given his statement  
18 regarding his belief in the lack of authority or  
19 jurisdiction over him, the Court is concerned and  
10:41AM 20 does find the need to protect the public from  
21 further crimes of the defendant, given his positions  
22 in this case.

23 The Court considers the need to provide  
24 the defendant with training, education and medical  
25 treatment. The Court does not find the need for

1 substance abuse or mental health treatment in this  
2 case.

3 While the defendant is -- from a  
4 guideline standpoint is facing a lengthy sentence,  
5 the Court does believe the defendant would benefit  
6 from additional educational and particularly  
7 vocational training opportunities that may be  
8 afforded to him by the Bureau of Prisons.

9 To the extent the Court does or the  
10:42AM 10 Presentence Report does discuss any treatment, the  
11 Court would note that it is not intending to and is  
12 not imposing or lengthening the defendant's prison  
13 sentence to enable him to complete a treatment  
14 program or otherwise promote rehabilitation.

15 The Court also notes under § 3553 that  
16 the advisory guidelines are intended, in part, to  
17 carry out the national policies as articulated by  
18 Congress and that sentences be uniform across the  
19 country, to the extent possible, and be based on the  
10:42AM 20 offender's actual conduct and history, and the Court  
21 has previously noted, as the Presentence Report  
22 notes, a need to provide restitution in this case.

23 In light of everything discussed,  
24 including the guideline range and the relevant  
25 § 3553 factors, and considering the arguments and

1 positions of the parties, the Court is going to  
2 impose a guideline sentence in this case of 155  
3 months. For all the reasons discussed, the Court  
4 finds this sentence to be sufficient, but not  
5 greater than necessary, to comply with the purposes  
6 of 18 U.S.C. § 3553.

7 Pursuant to 18 United States Code §  
8 3553(c)(1), the Court notes that it finds a sentence  
9 within the guidelines range at this range to be  
10:43AM 10 justified based upon the Court's belief that such a  
11 sentence adequately reflects the seriousness of the  
12 instant offenses, provides adequate deterrence, and  
13 protects the public from further crimes being  
14 committed by the defendant.

15 The Court will also impose a period of  
16 supervised release in this case in total of five  
17 years, and the Court will also impose the special  
18 conditions of supervised release in addition to the  
19 general and mandatory conditions, the special  
10:44AM 20 conditions found in paragraph 80 of the Presentence  
21 Report, to which there has not been specific  
22 objection. These relate to a special search  
23 condition during a period of supervised release, as  
24 well as in light of the restitution being ordered  
25 and the forfeiture being entered. Special

1 conditions related to access to financial  
2 information, credit restrictions, and requirements  
3 regarding payment of financial penalties. The Court  
4 finding these special conditions of supervised  
5 release to be reasonably related to the several  
6 sentencing factors discussed by the Court to involve  
7 no greater deprivation of liberty than reasonably  
8 necessary for those several sentencing purposes and  
9 to be consistent with pertinent policy statements  
10 issued by the Sentencing Commission.

11 Finally, with respect to paragraph 53  
12 of the Presentence Report, the pending charge in  
13 Jasper County, South Carolina, Docket No.  
14 2014-GS-2700554, the Court recognizes its  
15 discretion, pursuant to applicable law and  
16 guidelines provisions, to run the sentence in this  
17 case concurrent, partially concurrent or consecutive  
18 to the prior undischarged sentence of imprisonment,  
19 and while the sentence in that case is un- -- the  
20 Court would find it to be unrelated, which might  
21 speak to a consecutive sentence being imposed, there  
22 was testimony about -- at the trial, it was tied  
23 into this trial, if you will, and was the subject of  
24 some testimony, and in light of that, in light of  
25 the length of the sentence imposed in this case, the

1 Court will run the sentence in this case concurrent  
2 to any sentence arising from the sentence imposed  
3 due to violations in Jasper County, South Carolina.

4 Accordingly and pursuant to the  
5 Sentencing Reform Act of 1984, it is the judgment of  
6 the Court as to Counts 1 through 7 that the  
7 defendant, Randall Keith Beane, is hereby committed  
8 to the custody of the Bureau of Prisons for a total  
9 term of imprisonment of 155 months.

10:46AM 10 This sentence consists of a term of  
11 120 months as to each of Counts 1 through 5 and 155  
12 months as to each of Count 6 and 7 to run  
13 concurrently.

14 It's further ordered that you shall  
15 make restitution in the amount of \$510,589.02 to  
16 USAA Bank in accordance with 18 United States Code  
17 §§ 3663 and 3663(a) or any other statute authorizing  
18 restitution.

19 Restitution shall be paid in full  
10:46AM 20 immediately. The government may enforce the full  
21 amount of restitution ordered at any time pursuant  
22 to Title 18 U.S.C. §§ 3612, 3613 and 3664(m).

23 The U.S. Bureau of Prisons, U.S.  
24 Probation Office and the U.S. Attorney's Office  
25 shall monitor payment of restitution and reassess



1 and report to the Court any material change in your  
2 ability to pay.

3 You shall make restitution payments  
4 from any wages you may earn in prison in accordance  
5 with the Bureau of Prisons Inmate Financial  
6 Responsibility Program. Any portion of restitution  
7 not paid in full at the time of your release from  
8 imprisonment shall become a condition of  
9 supervision.

10:47AM 10 The Court finds you do not have the  
11 ability to pay interest on the restitution ordered.  
12 Interest is waived.

13 Upon release from imprisonment, you  
14 shall be placed on supervised release for a total  
15 term of five years, consisting of three years as to  
16 each of Counts 1 through 5 and five years as to each  
17 of Counts 6 and 7 to run concurrently.

18 While on supervised release, you shall  
19 not commit another federal, state or local crime.

10:47AM 20 You must not unlawfully possess and must refrain  
21 from use of controlled substances and comply with  
22 the standard conditions adopted by this court in  
23 Local Rule 83.10.

24 In particular, you must not own,  
25 possess or have access to a firearm, ammunition,

1 destructive device or other dangerous weapon. You  
2 shall cooperate in the collection of DNA as directed  
3 by the probation officer and, again, comply with the  
4 special conditions as set forth in the Presentence  
5 Report and previously articulated by the Court.

6 Title 18 United States Code §§ 3565(b)  
7 and 3583(g) require mandatory revocation of  
8 supervised release for possession of a controlled  
9 substance, ammunition or firearm, or for refusal to  
10:48AM 10 comply with drug testing.

11 Pursuant to Title 18 U.S.C. § 3013, you  
12 shall pay a special assessment fee in the amount of  
13 \$700 which shall be due immediately.

14 The Court finds you do not have the  
15 ability to pay a fine, however, and will waive the  
16 fine in this case.

17 Pursuant to Rule 32 of the Federal  
18 Rules of Criminal Procedure, the Court advises you  
19 may have the right to appeal the sentence imposed in  
10:48AM 20 this case. The Notice of Appeal must be filed  
21 within 14 days of entry of judgment. If you request  
22 and so desire, the Clerk of Court can prepare and  
23 file the Notice of Appeal for you.

24 It's further ordered you be remanded to  
25 the custody of the Attorney General pending

1 designation by the Bureau of Prisons.

2 Ms. Davidson, does the government have  
3 any objection to the sentence just pronounced that  
4 has not previously been raised?

5 MS. DAVIDSON: No, Your Honor, we have no  
6 objections, but it's my understanding that the  
7 Preliminary Order of Forfeiture must also be  
8 announced orally.

9 THE COURT: All right. The Court has  
10:49AM 10 previously entered the Preliminary Order of  
11 Forfeiture, but the Court does announce the entry of  
12 a Preliminary Order of Forfeiture in accordance with  
13 applicable law, specifically the forfeiture of a  
14 2017 Entegra Cornerstone 45B 45-foot diesel motor  
15 home, VIN No. 4VZVU1E94HC082572, topaz in color,  
16 with eight wheels, and a money judgment in favor of  
17 the United States and against the defendant, Randall  
18 Keith Beane, for \$553,749.99, representing the  
19 minimum amount of proceeds Randall Keith Beane  
10:50AM 20 personally obtained directly or indirectly as a  
21 result of the criminal violations of 18 United  
22 States Code §§ 1343 and 1344.

23 Anything further from the government?

24 MS. DAVIDSON: No, Your Honor. Thank you.

25 THE COURT: All right. Mr. Beane, do you

1 as defendant have any objections to the sentence  
2 just pronounced that has not previously been raised?

3 THE DEFENDANT: Yes, I object to the  
4 sentencing. You have no authority or jurisdiction  
5 to sentence me; standing documents 147, 148, 149,  
6 150, and 151.

7 THE COURT: All right. Other than  
8 objections related to the authority and the  
9 jurisdiction of the Court, do you have any other  
10:50AM 10 objections to the sentence just pronounced not  
11 previously raised?

12 THE DEFENDANT: No.

13 THE COURT: All right. Thank you.

14 And the Court has previously addressed  
15 defendant's continuing objections to the authority  
16 and jurisdiction of the Court and would repeat and  
17 reincorporate its oral and written pronouncements in  
18 that regard.

19 So anything further we need to take up  
10:51AM 20 this morning from either side? Ms. Davidson?

21 MS. DAVIDSON: No, Your Honor.

22 THE COURT: Mr. Beane?

23 THE DEFENDANT: Yes, I'd like to appeal the  
24 sentencing.

25 THE COURT: All right. You'd like the

1 Clerk to file a Notice of Appeal for you?

2 THE DEFENDANT: Yes.

3 THE COURT: All right. The Court will  
4 direct the Clerk to do so.

5 Anything further, Mr. Beane?

6 THE DEFENDANT: No.

7 THE COURT: All right. Thank you.

8 Anything further from the government?

9 MS. DAVIDSON: No, Your Honor.

10:51AM 10 THE COURT: All right. Then we'll stand in  
11 recess.

12 Thank you, everyone, for being here  
13 this morning.

14 THE COURTROOM DEPUTY: All rise. This  
15 honorable court should stand in recess until 1:30.

16 (Which were all the proceedings  
17 had and herein transcribed.)

18 \* \* \* \* \*

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## C-E-R-T-I-F-I-C-A-T-E

STATE OF TENNESSEE

COUNTY OF KNOX

I, Teresa S. Grandchamp, RMR, CRR, do hereby certify that I reported in machine shorthand the above proceedings; that the foregoing pages were transcribed under my personal supervision and constitute a true and accurate record of the proceedings.

I further certify that I am not an attorney or counsel of any of the parties, nor an employee or relative of any attorney or counsel connected with the action, nor financially interested in the action.

Transcript completed and signed on Wednesday, August 1, 2018.

**Teresa S.  
Grandchamp,  
RMR, CRR**

Digitally signed by Teresa S. Grandchamp,  
RMR, CRR  
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**TERESA S. GRANDCHAMP, RMR, CRR**  
Official Court Reporter